



Monitoring Brief for August 2016 for the Chapter 23 – Judiciary, Fight against Corruption, and Fundamental Rights

1. Rule of Law and Legal Security

Special Public Prosecutor

During the month of August, the Special Public Prosecutor's office informed the public that they have submitted a motion to the Public Prosecutor's Office for prosecuting organized crime and corruption regarding the case against the person Z.B., who had recently been extradited from the Republic of Serbia to the Republic of Macedonia. Namely, it is the case against the person Z.B. who is involved in the case "Spy", for which the Special Public Prosecutor's Office already has an established jurisdiction¹.

On 15.08.2016, the Special Public Prosecutor Katica Janeva gave a statement that in the upcoming period there would be a higher number of persons, who according to the Law on Criminal Procedure, would be called in to give statements which can be of use in clarifying the circumstances of all ongoing proceedings at the time. The proceedings refer to the published or unpublished unauthorized wiretapped conversations.

By the end of August, media reported on some of the persons who responded to the invitation to give a statement to the Special Public Prosecutor for the following cases: former Minister of Interior Gordana Jankuloska, who was called in to give a statement regarding the case "Fortress", the current mayor of Center Municipality Andrej Zernovski, the former Parliament member and current member of the State Election Committee Silvana Boneva, the president of the Albanian Democratic Party Menduh Tachi, the former Minister of Culture Arifhikmet Djemaili and a member of DPA, the president of the Party for the Full Emancipation of the Roma of Macedonia Samka Ibraimoski, the businessman Orce Kamchev, the Minister of Culture Elizabeta Kancheska - Milevska, and the former Minister of Transport and Communications Mile Janakieski. Former Interior Minister Gordana Jankuloska, who was called to testify regarding the case "Fortress"², complained over not having access to case files, which is why she refused to give a statement before the court³.

¹ The public press release can be found on the web page of the Special Prosecutor's Office on the following link: <http://www.jonsk.mk/2016/08/11/11-08-2016/>

² In the "Fortress" case, opened in March this year by the Special Public Prosecutor's Office, chief superiors and ministers of interior are suspected to have illegally destroyed equipment for monitoring communications in 2015.

³ <http://www.slobodnaevropa.mk/a/27928755.html>





2. Fundamental Rights

Freedom of Expression and Media Plurality

Once several new decisions in the area of media work have been adopted in Macedonia in July, followed by a resolution regarding the Przino Agreement, the opposition party SDSM demanded responsibility of actions by the Agency for Visual and Media Services (AVMU) and change of methodology for monitoring the electoral media presentation through radio and television program services for the early parliamentary elections in 2016, which was adopted unanimously by the Council Agency on Friday. According to AVMU, the difference between the Methodology used in the monitoring of the election media presentation from April 15 to May 14 this year and the current Methodology is the result of the experience of that time and the commitment to find a solution to the problems which existed then and remained unsolved in the meantime.

“When the amendments to the Electoral Code were adopted in July”, as indicated by AVMU, “the problem with the lack of criterion for balancing the reports in the period before the beginning of the election campaign remained unsolved. During the establishment of the amendments, it was not taken into consideration that the criterion of the Code relating to proportionality in reporting the number of confirmed lists of candidates for members of parliament (Article 75 a) cannot be applied before the beginning of the campaign because the verification of the lists occurs only shortly before the beginning of the campaign”.⁴

Freedom of Assembly and Association, including freedom of establishing a political party and unions

The employees of MZT Learnica, during the month of August, protested over unsettled payment, benefits, and health insurance, as well as a violation of many laws in the firm. The employees claim that ever since they started protesting on the streets, they received an answer from the Emil Dimitriev’s office that all institutions were on filed and that the investigators were working on the case, but with no visible results up to that time. Revolted by the dysfunction of institutions, the MZT Learnica employees say that if nothing is being done after the reports, they will take more radical actions.

Ljupcho Chekalovikj, the president of the union, pointed out: “We protested in front of the firm, but after receiving no response from the employers, we started reporting to all inspections, to the Public Revenue Office, the Ministry of Labor and Social Politics, the labor inspection, the Public Prosecutor’s Office, to the Financial Police, but there we have not received any response on the action they have taken or what is happening. We demand that

⁴ <http://telegraf.mk/aktuelno/makedonija/ns-newsarticle-agencijata-za-mediumi-mu-odgovori-na-zaev-so-metodologijata-ne-se-krsi-izborniot-zakonik.nsp>





institutions investigate whether and how the work was being done, that's the only thing we ask of the state. As for the government, we submitted a request for a meeting with the President of the Assembly, with the Prime Minister, since we didn't receive any response from the lower rank institutions."⁵

3. Measures for Fighting against Racism and Xenophobia

Considering the situation at the border crossings in terms of public communication, in Macedonian society, there is a constant emphasis on the contradiction between rights of free speech on the one hand and hate speech on the other. On that note, the need for clear differentiation between the two is evident and the Helsinki Committee for Human Rights in the Republic of Macedonia conducted two public campaigns in August: 1) A Billboard Campaign aimed at raising citizens' awareness in recognizing and reporting hate speech, while at the same time reminding authorized institutions of their obligation for efficient protection of hate speech victims;⁶ 2) in collaboration with the Centar Municipality and the primary schools (PS Kiril i Metodij, PS Kole Nedelkovski, PS Kocho Racin, PS 11 Oktomvri, PS Goce Delchev and PS Dimitar Miladinov), the committee supported a group of young artists, who with their own drawings/graffiti expressed messages opposing hate speech.⁷

⁵ <http://a1on.mk/wordpress/archives/640979>

⁶ <http://mhc.org.mk/announcements/450#.V9mHgJh97IU>

⁷ <http://mhc.org.mk/announcements/453#.V9mHdph97IU>

